

Notice of Allowability

Application No.

10/549,340

Examiner

Jonathan G. Cwern

Applicant(s)

ABE ET AL.

Art Unit

3737

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 6 June 2008.
2. ☒ The allowed claim(s) is/are 1-3 and 5-23.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

/Ruth S. Smith/
Primary Examiner, Art Unit 3737

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul Teng on 8/28/08.

The application has been amended as follows:

In the specification:

In the paragraph at page 9, lines 21-22, "Fig. 1 is a view showing a division example" has been removed and --Figs. 1a and 1b illustrate views showing division examples-- has been inserted.

In the paragraph bridging pages 10 and 11, "Fig. 3 is a view" has been removed and --Figs. 3a and 3b illustrate views-- has been inserted.

In the paragraph at page 11, lines 9-12, "Fig. 3b is a view showing an example where the graph shown in" has been removed and --Fig. 3b is a view showing, for the example of-- has been inserted.

In the paragraph at page 11, lines 15-18, "Fig. 5 is a view" has been removed and --Figs. 5a and 5b illustrate views-- has been inserted.

In the paragraph bridging pages 11 and 12, "Fig. 5b is a view showing an example where the graph shown in" has been removed and --Fig. 5b is a view showing, for the example of-- has been inserted.

In the paragraph bridging pages 19 and 20, "Fig. 1 shows an example" has been removed and --Figs. 1a and 1b illustrate examples-- has been inserted.

In the paragraph bridging pages 26 and 27, on lines 2 and 3, "with reference to Fig. 3. Fig. 3. shows" has been removed and --with reference to Figs. 3a and 3b. Figs. 3a and 3b show-- has been inserted.

In the paragraph at page 30, lines 10-30, "Fig. 3" has been removed and --Fig. 3a-- has been inserted.

In the paragraph at page 31, lines 14-22, "Fig. 3" has been removed and --Fig. 3a-- has been inserted.

In the paragraph at page 32, lines 4-9, "Fig. 3" has been removed and --Fig. 3a-- has been inserted.

In the paragraph bridging pages 37 and 38, "Fig. 5 shows an example of this embodiment. Fig. 5 shows" has been removed and --Figs. 5a and 5b show an example of this embodiment. Figs. 5a and 5b show-- has been inserted.

Also, at the end of the paragraph "Figs. 2 and 3" has been removed and --Figs. 2 and 3a-3b-- has been inserted.

In the paragraph at page 38, lines 5-14, at the end of the paragraph, "Figs. 2 and 3" has been removed and --Figs. 2 and 3a-3b-- has been inserted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Cwern whose telephone number is (571)270-1560. The examiner can normally be reached on Monday through Friday 9:30AM - 6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jonathan G Cwern/
Examiner, Art Unit 3737

/Ruth S. Smith/
Primary Examiner, Art Unit 3737